

## REMARKS/ARGUMENTS

### ***Change of Assignee Address***

The Applicant hereby respectfully requests that the address of the assignee, Talon Customizing House Limited, be amended to read as follows:

7685 Bath Road  
Mississauga, Ontario  
Canada L4T 3T1

### ***Information Disclosure Statement***

Please find attached with this response an Information Disclosure Statement which is respectfully submitted by the Applicant, pursuant to 37 CFR § 1.97(c)(2), for consideration by the United States Patent and Trademark Office. Copies of German Patent No. 3,705,322 and of European Patent No. 1,016,361 are also attached herewith, along with translations of portions thereof, which may define the general state of the art, but which are not considered to be of particular relevance to the invention. The enclosed Information Disclosure Statement does, nonetheless, contain a statement of relevance for each of these foreign patent documents. Payment of the fee which is set forth in 37 CFR § 1.17(p) is also submitted along with this response.

### ***Amendments to the Specification, Claims, Abstract and Drawings***

The abstract and Paragraphs 12 and 14-15 of the specification have been amended, *inter alia*, to correspond with the amended claims, which amendments are outlined in greater detail hereinbelow.

The claims of the application have been amended to correspond with the claims of international application number PCT/CA2004/000298 (as amended pursuant to Article



34 of the Patent Cooperation Treaty), which international application also claimed priority from U.S. Provisional Patent Application Serial Nos. 60/450,686 and 60/465,681, which were filed on March 3, 2003 and on April 25, 2003 respectively.

More particularly, but still by way of overview, in the claims:

- i) each of currently amended claims 1 and 91 discloses an apparatus comprising, *inter alia*, a display means for placing a promotional message on at least one outwardly directed housing face within view of a customer;
- ii) similarly, currently amended claim 92 now discloses a method that comprises, *inter alia*, a step of displaying a promotional message on at least one outwardly directed housing face within view of a customer;
- iii) original claim 3 has been canceled; and
- iv) new claims 107-110 have been added, which new claims are fully supported by the description and claims as originally filed, including, *inter alia*, paragraphs 72 and 117.

All amendments made were made for the purposes of clarifying the claims, only, and were not made for reasons relating to 35 U.S.C. §§ 102 or 103.

An amendment to original Figure 20 is submitted in order to correct a minor clerical error, as follows: in the replacement drawing sheet which contains Figure 20, the reference numeral "342" has been substituted for an original occurrence of the reference numeral "344" which was previously incorrectly identified.

### ***Election / Restriction Requirement***

In the aforementioned office action, the Examiner identified three species of display means and two species of lifting means. In the table below, these species are identified in conjunction with the representative figures noted by the Examiner, and with reference to the claims which are hereby respectfully submitted by the Applicant as reading



thereon:

Species	Figures	Claims	Generic Claims
Lifting Means I	1-7	60-73, 103	1-10, 43-59, 83-86, 88-102, 104
Lifting Means II	18-28	74-82, 107-110	
Display Means I	1-11	12-42, 87, 105	
Display Means II	14-16	12-19, 21-31, 35-42, 87	
Display Means III	17	11, 106	

With reference to the two species of lifting means identified in the table hereinabove, the Applicant accepts the Examiner's restriction requirement under 35 U.S.C. 121. With reference to the three species of display means identified in the table hereinabove, however, the Applicant respectfully submits, by way of at least partially traversing the Examiner's election requirement, that species Display Means I and II are not patentably distinct from one another – with the Applicant's position in this regard being bolstered by the fact that all of the claims identified in the table hereinabove as reading on the Display Means II species are subsumed within the claims which are hereinabove identified as reading on the Display Means I species.

Accordingly, the Applicant hereby elects, with at least partial traverse, to presently restrict prosecution of this application to the Lifting Means II species (Claims 74-82 and 107-110) and to the Display Means I species (Claims 12-42, 87 and 105). It is worthwhile to note that the Applicant has hereinabove identified Claims 1-10, 43-59, 83-86, 88-102 and 104 as being generic. Therefore, Claims 1-10, 12-59, 74-102, 104-105 and 107-110 remain under prosecution in this application, each of which claims is either generic to, or reads on, the elected species of the invention.



Claims 11, 60-73, 103 and 106, which have been identified as being drawn to non-elected species of invention, have been withdrawn. The withdrawal of Claims 11, 60-73, 103 and 106 is without prejudice to the Applicant's right to re-introduce these claims into the present application upon a finding of allowability in respect of any generic claim, or to re-present these claims in a later filed continuation or divisional application.

***Summary***

Reconsideration of the above-identified application in view of the preceding amendments and/or remarks with a view toward timely issuance of a Notice of Allowance is respectfully requested. If after reviewing this response, the Examiner believes that a telephone or personal interview would facilitate the resolution of any remaining matters, the undersigned attorney may be contacted at the number set forth hereinbelow.

Respectfully submitted

Date: May 19, 2006



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Encl.  
Amended Drawing Sheet bearing Figure 20  
Information Disclosure Statement  
Foreign References (with translations)  
Fee set forth in 37 CFR § 1.17(p)